

CITY OF LOWELL
BOARD OF ADJUSTMENT MEETING MINUTES
December 15, 2003 @ 6:30 PM

- A. Call to Order: The Lowell Board of Adjustment meeting was called to order by Chairman Mike Hook at 6:31 PM in the City Administration Building.
- B. Roll Call: Commissioners present and answered roll calls were: Darin Dickson, Gene Graham, Mike Hook, Keith Williams, Salena Wright-Brown & Mitchel Wright, Paul Farris. A quorum was present. Also present were Mayor Biggers, Engineer Phil Swope, Secretary Kelly Kennedy, Engineering Tech Tony Davis and Eric Haussermann.
- C. Public Hearing: Chairman Hook explained the procedure for the Public Hearings on the 2 items up for consideration before the Board of Adjustment.

1. Variance on Signage for Super 8 Motel- Odell Graves- Owner

At 6:32 Chairman Hook opened the floor for the Public Hearing. Odell Graves presented to the podium. He stated that he is the developer for the project. Mr. Graves stated that his building was difficult to see from the by-pass and was requesting relief by putting a sign up, to catch some of the tourists that were coming by. He stated the example of the McDonalds® that is clearly visible from I-540 and asked that a similar consideration be given to the Super 8 building, to bring in more revenue. Commissioner Graham asked if Mr. Graves was asking for a sign big enough to see from the by-pass. Mr. Graves responded that it would be 63' (feet) plus the sign, which would put it up around 80' feet, he stated that he felt that the McDonalds® sign was approximately 129' feet. Chairman Hook asked if there was any comment from the public regarding the variance request.

Mr. Allen Turner presented to the podium and spoke about the overlay district requirements and stated that the overlay district had certain signage requirements that were put in place for a purpose to begin to upgrade the aesthetics of Lowell, by limiting the amount and types of signs, the tall ones, temporary and portable and he urged the Commission to keep that in mind when they decided on the variance for the sign request. At 6:36 Chairman Hook closed the floor for public comment and opened the meeting up to the Commissioners to discuss and to entertain a motion on the variance request.

Commissioner Dickson stated that it was discussed at a previous meeting and he reiterated the fact that he was not "a big fan" of it then that his feelings remained the same. He stated that his concern lay in the motivation behind it, Commissioner Dickson stated that he was not trying to offend Mr. Graves and recognized that he was in business to make money, that he had no problems with that at all, but did not feel it to be a good enough reason to make a variance from the overlay district and that he was against the variance request.

Mr. Graves queried whether or not McDonalds® or Cracker Barrel® would come into any city without a sign that could be seen from the by-pass. He further stated that McDonalds® would not even consider it. He said that he realized that the variance was in place for the good of Lowell, but asked that there be some consideration also to bring in revenue for the good of Lowell.

Chairman Hook asked how far from the exit ramp on I-540 would you be able to see the sign. Mr. Graves stated you could see it from Long's trailer and the exit coming in to the South. Chairman Hook stated there are signs on the by-pass that state what food & lodging & gas are available, for example the Kentucky Fried Chicken® and the Long John Silver® (that are not there yet). Mr. Graves stated that debris blocks it when you get up even with it. Chairman Hook questioned if it blocked the sign or the motel. Mr. Graves stated that the motel is blocked from sight. Chairman Hook clarified he was speaking of the signs up the road that tells people what facilities were available down the road. Chairman Hook also stated the signs are generally a mile down the

road and that it would be seen well before the traveler came to Lowell. Chairman Hook stated that he was unsure whether or not the sign itself would be driving people there enough to grant the variance. Commissioner Farris stated that he often looks for the signs when he's traveling.

Chairman Hook asked if there were any further discussions, if there were none a motion could be entertained on the variance. Commissioner Dickson moved to deny the variance. Commissioner Farris seconded the motion to deny. Commissioner Dickson then made a point of order to rescind his motion and reword it.

Commissioner Dickson moved to approve the variance. Commissioner Farris then seconded the motion. (Chairman Hook advised the Commission that the yes vote would approve the variance and the no vote would reject or deny the variance.) On roll call vote there were 4 yes votes and 3 no votes, Dickson, Farris and Hook voted to deny.

The motion carried and the variance was approved.

2. Variances for Take us for Granite Monroe Corner – Commercial Subdivision- David Simpson Owner

At 6:37pm Chairman Hook opened the floor for the Public Hearing. Commissioner Dickson queried whether or not all the variances would be addressed at once. Chairman Hook agreed that they would be heard as a whole and not individually in separate public hearings for each specific variance. David Simpson presented to the podium. He stated that it was his intent to open a granite shop that needed some variances on several points. 1) Curb cuts, 2) Green space and 3) Building Materials. Mr. Simpson then brought out samples of the building materials and photographs of sample buildings and explained the black brick section, with the siding above. Mr. Simpson stated regarding to the Curb cuts, the width and depth of the lot would not allow for driveways if not for a variance on those items. On the Green space variance, Mr. Simpson stated that there were 12 trees instead of 14 required. He further stated that with the drives that is all he would be able to fit.

Commissioner Graham asked about a picture that was passed around, Mr. Simpson explained that the picture is an example of the type of building that he is proposing to build. Mr. Simpson stated that there would be a 4' section of black skirt made from brick with a 12' section of metal.

Commissioner Williams inquired whether or not Mr. Simpson had brought samples of the roofing material. Mr. Simpson stated that it would be a white roofing material, but that he did not bring with him a sample of it.

Commissioner Dickson asked what color the brick was to be and approximately how much of the building will be faced out in brick. Mr. Simpson stated that approximately 25% would be in brick. Commissioner Dickson clarified that the remaining 75% would be metal. Mr. Simpson agreed that it would be metal as well as some stucco at the top.

Chairman Hook asked Engineer Swope how this building ties in with other buildings in the area. Engineer Swope explained that there was nothing else built in that area yet, but cited the Benham Office Building would be the closest comparison that has already been approved and under current construction. Chairman Hook clarified that the Benham building was using the same materials.

Engineer Swope affirmed that it was using the same types of materials. Commissioner Dickson asked if there were any buildings with this particular facing in the immediate area. Engineer Swope stated that there are several buildings in Parkwood area, but stated that it was his belief that they did not have any of the corrugated metal. Engineer Swope further stated that the building was on Carolyn Street, the corner of Carolyn where it makes the bend on the south side.

There was some further discussion about a different project, the Benham Building as it related to the Take Us For Granite project. Engineer Swope asked Tony Davis to speak on the matter. Tony Davis presented to the podium and stated that he is now working for the City of Lowell as the Engineering Tech, but that his previous employer was Benham, and he was involved in the design of the new Benham building. Mr. Davis stated that the Benham approach was that the facing would be brown because of the ordinance which states it must be a wood like in appearance. Engineer Swope asked Mr. Davis if the material was a corrugated metal. Mr. Davis responded that he was unsure as to the material.

Commissioner Dickson then cited the buildings on Parkwood, that none of the buildings were more than 25% of the building possibly 30% made of corrugated metal.

Chairman Hook inquired if there were anyone of the public that would like to speak for or against the variances before he closed the Public Hearing portion and opened it up to the Commissioners only for discussion. Chairman Hook closed the Public Hearing at 6:49pm.

Commissioner Dickson stated that he had several questions for Mr. Simpson, first on the subject of the curb cut variance; he did not have an issue with the variance because the size of the lot, it seemed to be reasonable. Commissioner Dickson further stated that the variance letters were well written and addressed exactly what was needed, with regard to the tree variance, he cited the letter on section A that stated it was difficult to comply with the exact number of trees, and asked what that meant. Mr. Simpson replied that the amount of green space that is available that borders the street. Mr. Terry Carpenter then presented to the podium alongside of Mr. Simpson and identified himself as the consulting engineer, he explained that what makes this particular site difficult is the easement that wraps around, that trees can not be planted in the easement, that creating the green space that is required, they could have gotten more trees in there, if there had not been an overhead electric line or water line. Commissioner Dickson asked if it was allowable to plant anything in the easement. Mr. Carpenter stated that no trees that had big roots which would affect utilities or the power lines could be planted. It was in fact mentioned during technical plat that the utilities would not allow any trees there.

Commissioner Dickson thanked Mr. Carpenter for his comments and stated that he really did not have issue with the tree variance either. Commissioner Dickson continued that he did have a concern with regard to the building exterior material variance. Commissioner Dickson stated that he did not feel that the metal and the black brick would look good and that he was concerned about the amount of metal versus brick and concerned also about the coloring of it. Mr. Simpson stated that his initial thought was to have the building in stucco, but that it was his wish to comply with the other buildings in the area. Mr. Simpson stated that he was more than happy to have the building in stucco. Commissioner Dickson asked if the project was coming before the Planning Commission for approval of the LSD. (Large Scale Development) Chairman Hook affirmed that it was. Commissioner Dickson stated he was very approving of stucco, that it is stone-like. Chairman Hook stated that stucco meets the overlay district requirements. Commissioner Graham inquired if

Mr. Simpson would replace the proposed siding with stucco and retain the brick facing on the bottom portion of the building.

Commissioner Wright stated the with regard to the trees, he felt the variance was in order, that the City does have guidelines for the number of trees, however with the space that he has, Mr. Simpson is definitely limited space. Additionally, Commissioner Wright stated that with regard to the curb variance he was in favor of approving the request.

Commissioner Dickson verified that the tree variance was only requesting a loss of 2 trees of the 14 trees required leaving 12 remaining. It was agreed that the variance was asking just to take it down to the 12 trees.

Chairman Hook stated that there should be three separate motions for the variances as it would be best for clarification sake.

Commissioner Graham made a motion to grant the variance on the curb cuts. Commissioner Williams seconded the motion. A roll call vote was taken with 7 in favor of the curb cuts with no dissent.

The motion carried and the variance was approved.

Commissioner Graham made a motion to grant the variance on the green space. Commissioner Wright-Brown seconded the motion. A roll call vote was taken with 7 in favor of the curb cuts with no dissent.

The motion carried and the variance was approved.

The building material variance was withdrawn.

Adjourn:

D.

Commissioner Dickson made a motion to close the Board of Adjustment meeting. Commissioner Graham seconded the motion. A voice vote was taken. There was a unanimous approval. Board of Adjustment meeting was closed.

Chairman Hook closed the Board of Adjustment meeting at 6:55 pm

APPROVED:

ATTEST:

Mike Hook, Chairman

Kelly Kennedy, Secretary

